

# **REPORT OF THE COMMITTEE ON BUDGET**

## **Voting Members:**

Ann H. Kobayashi, Chair; Joey Manahan, Vice Chair;  
Carol Fukunaga, Trevor Ozawa, Kymberly Marcos Pine

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Committee Meeting Held  
March 30, 2016

Honorable Ernest Y. Martin  
Chair, City Council  
City and County of Honolulu

Mr. Chair:

Your Committee on Budget, which considered Resolution 16-69 entitled:

"RESOLUTION SUPPORTING THE REMOVAL OF RESTRICTIVE  
COVENANTS RELATING TO USE OF LANDS AT ALOHA STADIUM,"

reports as follows:

The purpose of this Resolution is to support the removal of restrictive covenants relating to use of lands at Aloha Stadium.

The Department of Planning and Permitting's Transit-Oriented Development Administrator Harrison Rue testified in support of the Resolution and noted that the City is currently working with the Stadium Authority on developing a plan for certain lands at Aloha Stadium for uses other than recreational purposes.

Representatives from the Stadium Authority Board testified in support of the Resolution and were available to answer questions.

Your Committee received testimony from two individuals in support of the Resolution.

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON APR 20 2016

COMMITTEE REPORT NO. 100

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Your Committee received written testimony from two individuals in support of the Resolution and written testimony was also received from the following institutions, organizations, and governmental agencies:

- Honolulu Authority for Rapid Transportation (support intent of Resolution)
- Great Aloha Run (support)
- The Hawaii Bowl (support)
- Hawaii State Department of Accounting and General Services (support)
- Oahu Interscholastic Association (support)
- Kanehili Cultural Hui (comment)
- University of Hawaii at Manoa Athletics Department (support)
- Stadium Authority Board (support)
- Hawaii Region, Centerplate (support)
- Interscholastic League of Honolulu (support)
- Hawaii High School Athletic Association (support)
- Building Industry Association of Hawaii (support)

After consideration, your Committee has approved a CD1 version of the Resolution which, makes the following amendment:

- A. Amends the BE IT FINALLY RESOLVED clause to add Ms. Sally Jewell, Secretary of the Interior; Senator Mazie Hirono, Senator Brian Schatz; Representative Tulsi Gabbard; Representative Mark Takai; Senator Ronald Kouchi, President of the Hawaii State Senate; and Representative Joseph Souki, Speaker of the Hawaii State House of Representatives.

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## **CITY COUNCIL**

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON

**APR 20 2016**

COMMITTEE REPORT NO. **100**

# REPORT OF THE COMMITTEE ON BUDGET

## Voting Members:

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Your Committee on Budget is in accord with the intent and purpose of Resolution 16-69, as amended herein, and recommends its adoption in the form attached hereto as Resolution 16-69, CD1. (Ayes: Kobayashi, Fukunaga, Manahan, Ozawa, Pine – 5; Noes: None.)

Respectfully submitted,

  
Committee Chair

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## CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON APR 20 2016

COMMITTEE REPORT NO. 100

**SUMMARY OF PROPOSED COMMITTEE DRAFT:**

**Resolution 16-69**

**RESOLUTION SUPPORTING THE REMOVAL OF RESTRICTIVE COVENANTS  
RELATING TO USE OF LANDS AT ALOHA STADIUM.**

**THE PROPOSED CD1 makes the following amendments:**

- A. Amends the BE IT FINALLY RESOLVED clause to add Ms. Sally Jewell, Secretary of the Interior, Senator Mazie Hirono, Senator Brian Schatz, Representative Tulsi Gabbard, Representative Mark Takai, Senator Ronald Kouchi, President of the Hawaii State Senate, and Representative Joseph Souki, Speaker of the Hawaii State House of Representatives.



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## RESOLUTION

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### SUPPORTING THE REMOVAL OF RESTRICTIVE COVENANTS RELATING TO USE OF LANDS AT ALOHA STADIUM.

WHEREAS, the City purchased approximately 56 acres of land at what is now the site of Aloha Stadium from the Federal government in 1967 for \$1,524,250; and

WHEREAS, the quitclaim deed transferring the property from the Federal government to the City included a restrictive covenant requiring that "the premises . . . be forever and continuously used and maintained as and for a public park and public recreation area . . . ." The deed further provided that in the event of any breach of the restrictive covenant, the property would revert to and become the property of the Federal government upon written demand by the U.S. Secretary of the Interior; and

WHEREAS, the City subsequently transferred its interest in the approximately 56 acres of land to the State by way of a quitclaim deed dated October 27, 1970. The deed contained the same restrictive covenants as the 1967 deed from the Federal government, including the covenant that the premises be forever and continuously used and maintained for "public recreational purposes." The City's deed also provided for the reversion of the property to the Federal government in the event of a breach of any condition or covenant in the deed; and

WHEREAS, on November 30, 1970 the City transferred an additional 41.417 acres of land to the State by way of quitclaim deed and this transfer was subject to a restrictive covenant that the premises be used and maintained as and for "a public stadium project." This deed provided for a reversion of the property to the City in the event of a breach of the covenant; and

WHEREAS, in 1992 then Governor John Waihee and then Mayor Frank Fasi requested that the Department of the Interior remove the restrictive covenant limiting the use of the approximately 56 acres of former Federal land to public and recreational purposes; and

WHEREAS, the U.S. Congress subsequently authorized removal of the restrictive covenant on the approximately 56 acres of former Federal land with passage of Public Law No. 102-381, Section 321 (1992), contingent upon the City identifying an equal amount of additional land and agreeing that such land shall be dedicated in perpetuity for public park and public recreation uses; and



## **RESOLUTION**

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WHEREAS, it appears that the State desires to have the restrictive covenants on the Aloha Stadium lands removed, and has therefore indicated that it is willing to assume the obligation of identifying and dedicating the lands required to fulfill the condition of Public Law No. 102-381, Section 321 (1992); and

WHEREAS, a rail transit station is planned at Aloha Stadium as part of the City's rail transit project, and the Department of Planning and Permitting is presently preparing a Neighborhood Transit-Oriented Development Plan to facilitate redevelopment of lands in the vicinity of Aloha Stadium; and

WHEREAS, redevelopment of lands in the vicinity of Aloha Stadium, and potential redevelopment of the stadium itself, could require using lands at Aloha Stadium for uses other than recreational purposes, such as residential and commercial uses; and

WHEREAS, such uses are essential to maximizing the benefits of transit-oriented development for the people of the City; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it supports the removal of the restrictive covenants limiting use of certain lands at Aloha Stadium to public and recreational uses, as set forth in the quitclaim deeds dated October 27, 1970 and November 30, 1970; and

BE IT FURTHER RESOLVED that the Council requests that the City Administration collaborate, as necessary, with the appropriate State agencies and the U.S. Department of the Interior to remove the restrictive covenant imposed by the Federal government in the quitclaim deed dated June 30, 1967; and

BE IT FURTHER RESOLVED that the City Administration advise the Council on any additional action necessary by the City to remove the restrictive covenants limiting the use of lands at Aloha Stadium; and



## RESOLUTION

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BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor, Managing Director, Ms. Sally Jewell, Secretary of the Interior, Senator Mazie Hirono, Senator Brian Schatz, Representative Tulsi Gabbard, Representative Mark Takai, Governor David Ige, Senator Ronald Kouchi, President of the Hawaii State Senate, Representative Joseph Souki, Speaker of the Hawaii State House of Representatives, Mr. Charles Toguchi, Chair of the Stadium Authority, and Mr. Scott Chan, Aloha Stadium Manager.

INTRODUCED BY:

Ernest Martin

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DATE OF INTRODUCTION:

March 11, 2016  
Honolulu, Hawaii

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Councilmembers